

UNIVERSITAS EDUCATION, LLC V. NOVA GROUP, INC., CASE NO. 11-1590-LTS-HBP (S.D.N.Y.)

**Supplemental Affidavit of Service for
Universitas's Motion for Turnover and
Permanent Injunction**

EXHIBIT 7

Michael Barnett

From: Carole Bernstein <cbernsteinesq@gmail.com>
Sent: Monday, October 28, 2013 10:35 AM
To: Glenn Duhl
Cc: Michael Barnett; Paula Colbath; labelle@halloran-sage.com; tonysiano@aol.com; Ira Kleiman (ik@briefjustice.com); Matthew J. Brief <mjb@briefjustice.com> (mjb@briefjustice.com); Angelica Wilson
Subject: Re: Universitas Education, LLC v. Nova Group, Inc., Case No. 11-1590-LTS-HBP (S.D.N.Y.)

same here.

Carole

Carole R. Bernstein, Esq.

Law Offices of Carole R. Bernstein
41 Maple Avenue North
Westport, Connecticut 06880
203-255-8698
203-259-4735 (fax)

PLEASE NOTE MY NEW EMAIL ADDRESS: cbernsteinesq@gmail.com

NOTICE: This message contains information which is confidential and privileged. If you are not the intended recipient, please advise the sender, cbernsteinesq@gmail.com, immediately by reply e-mail and delete this message with all attachments without retaining a copy. Thank you.

On Mon, Oct 28, 2013 at 10:32 AM, Glenn Duhl <gduhl@siegeleconnor.com> wrote:

Michael: OK by me. Thank you, Glenn

Glenn A. Duhl, Esq.

Siegel, O'Connor, O'Donnell & Beck, P.C.
150 Trumbull Street
Hartford CT 06103-2446
Direct: [\(860\) 280-1215](tel:(860)280-1215)

Cell: [\(203\) 623-1465](tel:(203)623-1465)

Fax: [\(860\) 527-5131](tel:(860)527-5131)

gduhl@siegeleconnor.com

www.siegeleconnor.com

Management employment law and litigation.

V-Card • Bio • Directions

NOTICE: This message contains information that is confidential and privileged. If you are not the intended recipient, please inform the sender, gduhl@siegleconnor.com, immediately by reply e-mail and delete this message with all attachments without retaining a copy. Thank you.

From: Michael Barnett [mailto:mbarnett@loeb.com]

Sent: Wednesday, October 23, 2013 7:25 PM

To: Glenn Duhl

Cc: Paula Colbath; labelle@halloran-sage.com; tonysiano@aol.com; Carole Bernstein <cbernsteinesq@gmail.com> (cbernsteinesq@gmail.com); Ira Kleiman (ik@briefjustice.com); Matthew J. Brief <mjb@briefjustice.com> (mjb@briefjustice.com)

Subject: RE: Universitas Education, LLC v. Nova Group, Inc., Case No. 11-1590-LTS-HBP (S.D.N.Y.)

Glenn,

Thanks for your e-mail.

In consideration for all Respondents accepting e-mail service through counsel, we propose that Respondents' oppositions be due on November 20 and that our replies be due on December 30. Under this proposal, here's how the full schedule on this motion would look:

- Carpenter opposition to preliminary injunction motion due – **Oct. 25** (already ordered)
- Document requests to Respondents due – **Oct. 28** (already ordered)
- Reply on Carpenter injunction motion due – **Nov. 1** (already ordered)
- Respondents' oppositions on turnover due **Nov. 20** (proposed by me)
- Respondents' document productions due **Nov. 22** (already ordered)
- Order to Show Cause hearing on Carpenter injunction motion – **Nov. 22** (already ordered)

- Depositions on turnover motion to take place **Dec. 2-16** (already ordered)
- Our reply on turnover due **Dec. 30** (proposed by me)

Please let me know if this appeals. I understand that Carole still needs a few more days to determine whether she will be representing Grist Mill Capital and Avon Capital in response to our motion. If all Respondents accept e-mail service and the above schedule is agreeable to all, we can enter into and file a Stipulation on the schedule.

Sincerely,

Michael

From: Glenn Duhl [<mailto:gduhl@siegeloconnor.com>]

Sent: Wednesday, October 23, 2013 4:50 PM

To: Michael Barnett; tonysiano@aol.com; Carole Bernstein <cbernsteinesq@gmail.com> (cbernsteinesq@gmail.com); Ira Kleiman (ik@briefjustice.com); Matthew J. Brief <mjb@briefjustice.com> (mjb@briefjustice.com)

Cc: Paula Colbath; labelle@halloran-sage.com

Subject: RE: Universitas Education, LLC v. Nova Group, Inc., Case No. 11-1590-LTS-HBP (S.D.N.Y.)

Michael: I am willing to accept service provided that we (all) may serve our responsive papers on November 12, 2013. May I have your agreement? Thank you, Glenn

Glenn A. Duhl, Esq.

Siegel, O'Connor, O'Donnell & Beck, P.C.
150 Trumbull Street
Hartford CT 06103-2446
Direct: [\(860\) 280-1215](tel:(860)280-1215)

Cell: [\(203\) 623-1465](tel:(203)623-1465)

Fax: [\(860\) 527-5131](tel:(860)527-5131)

gduhl@siegeloconnor.com

www.siegeloconnor.com

Management employment law and litigation.

V-Card • Bio • Directions

NOTICE: This message contains information that is confidential and privileged. If you are not the intended recipient, please inform the sender, gduhl@siegleoconnor.com, immediately by reply e-mail and delete this message with all attachments without retaining a copy. Thank you.

From: Michael Barnett [<mailto:mbarnett@loeb.com>]

Sent: Monday, October 21, 2013 2:38 PM

To: tonysiano@aol.com; Carole Bernstein <cbernsteinesq@gmail.com> (cbernsteinesq@gmail.com); Glenn Duhl; Ira Kleiman (ik@briefjustice.com); Matthew J. Brief <mjb@briefjustice.com> (mjb@briefjustice.com)

Cc: Paula Colbath; labelle@halloran-sage.com

Subject: Universitas Education, LLC v. Nova Group, Inc., Case No. 11-1590-LTS-HBP (S.D.N.Y.)

Dear Counsel:

This afternoon, Universitas Education, LLC filed a turnover motion and motion for permanent injunction, naming the following as Respondents:

- i. Daniel E. Carpenter
- ii. Grist Mill Capital, LLC
- iii. Grist Mill Holdings, LLC
- iv. Carpenter Financial Group
- v. Avon Capital, LLC
- vi. Phoenix Capital Management, LLC
- vii. Grist Mill Trust Welfare Benefit Plan
- viii. Hanover Trust Company
- ix. Charter Oak Trust Welfare Benefit Plan

Based on prior correspondence, we understand these Respondents to be represented by the following attorneys:

- i. Respondents Daniel E. Carpenter, Grist Mill Holdings, LLC, Carpenter Financial Group, Phoenix Capital Management, LLC and Hanover Trust Company – represented by **Anthony J. Siano**
- ii. Respondents Grist Mill Capital, LLC and Avon Capital, LLC – represented by **Carole R. Bernstein**
- iii. Respondent Grist Mill Trust Welfare Benefit Plan – represented by **Glenn A. Duhl**
- iv. Respondent Charter Oak Trust Welfare Benefit Plan – represented by **Ira Kleiman and Matthew J. Brief**

By this e-mail we are attempting to effect service of the motion upon each of the Respondents by e-mail to respective counsel. Please let me know by Wednesday, October 23 at noon if (a) I am misunderstood as to a certain attorney representing a certain Respondent and/or (b) a Respondent who has not already appeared in the action declines to accept service by e-mail.

Please find attached (in a .ZIP file) copies of the papers filed today in support of Universitas' motion, as well as a copy of our letter to Judge Swain enclosing courtesy copies of the papers.

Thank you.

Sincerely,

Michael

From: NYSD_ECF_Pool@nysd.uscourts.gov [mailto:NYSD_ECF_Pool@nysd.uscourts.gov]
Sent: Monday, October 21, 2013 2:08 PM
To: CourtMail@nysd.uscourts.gov
Subject: Activity in Case 1:11-cv-08726-LTS Nova Group, Inc v. Universitas Education, LLC Motion for Miscellaneous Relief

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was entered by Barnett, Michael on 10/21/2013 at 2:08 PM EDT and filed on 10/21/2013

Case Name: Universitas Education, LLC v. Nova Group, Inc.

Case Number: [1:11-cv-01590-LTS-HBP](#)

Filer: Universitas Education, LLC

WARNING: CASE CLOSED on 06/07/2012

Document Number: [308](#)

Docket Text:

MOTION for Turnover and Permanent Injunction. Document filed by Universitas Education, LLC. (Attachments: # (1) Affidavit of Service)Filed In Associated Cases: 1:11-cv-01590-LTS-HBP, 1:11-cv-08726-LTS(Barnett, Michael)

Case Name: Nova Group, Inc v. Universitas Education, LLC

Case Number: [1:11-cv-08726-LTS](#)

Filer: Universitas Education, LLC

WARNING: CASE CLOSED on 06/07/2012

Document Number: [214](#)

Docket Text:

MOTION for Turnover and Permanent Injunction. Document filed by Universitas Education, LLC. (Attachments: # (1) Affidavit of Service)Filed In Associated Cases: 1:11-cv-01590-LTS-HBP, 1:11-cv-08726-LTS(Barnett, Michael)

1:11-cv-01590-LTS-HBP Notice has been electronically mailed to:

Andrew William Schilling aschilling@bucklesandler.com, aeisen@bucklesandler.com

Anthony Joseph Siano TonySiano@aol.com

Bryan Isaac Reyhani bryan@rnlfawfirm.com

Dan E. LaBelle labelle@halloran-sage.com, houle@halloran-sage.com, scapellati@halloran-sage.com

Ira Kleiman ik@briefjustice.com

Jack E. Robinson robinsonesq@aol.com

Joseph M. Pastore , III JPastore@psdlaw.net, amcleod@psdlaw.net

M. Hatcher Norris rnorris@bnglaw.com

Michael Evan Gorelick mgorelick@agfjlaw.com

Michael Steven Barnett mbarnett@loeb.com

Paula Kae Colbath pcolbath@loeb.com, nydocket@loeb.com, tcummins@loeb.com

Richard Steven Order rorder@uks.com

Stephen Thomas Heiser sheiser@kaplanrice.com

1:11-cv-01590-LTS-HBP Notice has been delivered by other means to:

1:11-cv-08726-LTS Notice has been electronically mailed to:

Alexandra Elizabeth Rigney arigney@agfjlaw.com

Andrew William Schilling aschilling@bucklesandler.com, aeisen@bucklesandler.com

Anthony Joseph Siano TonySiano@aol.com

James Timothy Shearin jtshearin@pullcom.com

Joseph M. Pastore , III JPastore@psdlaw.net, amcleod@psdlaw.net

Michael Evan Gorelick mgorelick@agfjlaw.com

Michael Steven Barnett mbarnett@loeb.com

Paula Kae Colbath pcolbath@loeb.com, nydocket@loeb.com, tcummins@loeb.com

1:11-cv-08726-LTS Notice has been delivered by other means to:

Nova Group, Inc

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=10/21/2013] [FileNumber=12113890-0] [0020a59b1f02a1e0555e7759aaf64cee2e0a7c8c39d9ac9becc9bc902a7e3ae7816d68583b95d56ee6b1348d05ac16b6fb04b3ae6f75a3055c15afbb424a95c]]

Document description: Affidavit of Service

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=10/21/2013] [FileNumber=12113890-1] [b633ee7b3e7da27fe4c571021cc0d0bb886bf1b119cb9312a0414a279ee58cc2a4b68806296a6ee5c042d4bb893a0e0c86eb0a6c8ca399257f6423eab67b2ab9]]

Michael Barnett

Attorney At Law


345 Park Avenue | New York, NY 10154
Direct Dial: [212.407.4163](tel:212.407.4163) | Fax: [212.656.1554](tel:212.656.1554) | E-mail: mbarnett@loeb.com

[Los Angeles](#) | [New York](#) | [Chicago](#) | [Nashville](#) | [Washington, DC](#) | [Beijing](#) | [Hong Kong](#) | www.loeb.com

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify the sender. Please destroy the original transmission and its attachments without reading or saving in any manner. Thank you, Loeb & Loeb LLP.
